

AMENDMENTS TO THE DRAWINGS:

The attached sheets of one drawing includes a replacement drawing for Figure 1 where the network operations center is indicated.

REMARKS

In the Office Action¹, the Examiner objected to the drawings; rejected claims 1-43 and 45-56 under 35 U.S.C. §112, first paragraph; and rejected claims 1-43 and 45-56 under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 7,028,334 to Tuomenoksa ("*Tuomenoksa*").

I. Regarding the objection to the drawings

Regarding the objection to the drawings, the Examiner stated that the drawings do not depict the network operation center (Office Action at page 2). In response, Applicants attach a replacement drawing for Figure 1 which indicates the network operation center. Applicants have also amended the specification to provide consistency between the specification and the replacement drawing for Figure 1. Accordingly, Applicants respectfully request that the Examiner approve the replacement drawing and withdraw the objection to the drawings.

II. Regarding the rejection of claims 1-43 and 45-56 under 35 U.S.C. §112, first paragraph

Regarding the rejection of claims 1-43 and 45-56 under 35 U.S.C. § 112, first paragraph, the Examiner states, "[i]ndependent claims 1, 15, 16, and 31 in general recite detecting an addressing conflict between a first address of a first processor and a second address of as [*sic*] second processor prior to receiving packets from the processor. Examiner submits that such a concept is not enabled by the Specification" (Office Action at page 4). Applicants respectfully disagree. The following excerpt from

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

Applicants' specification is an example of a teaching which renders the claims in full compliance with 35 U.S.C. § 112, first paragraph:

FIG. 3 depicts exemplary steps 3000 for resolving an address conflict between a first processor in a first network and a second processor in a second network. FIG. 3 depicts the step of detecting the address conflict (step 3100); sending packets from the first processor to a tunnel (step 3200); receiving packets that form the tunnel (step 3300); removing from the packets information about the tunnel (step 3400); determining that the packets are associated with the detected addressing conflict based on the removed tunnel information (step 3500); determining a translated address based on the removed tunnel information (step 3600); and forwarding the packets based on the translated address (step 3700) (Paragraph 0036).

The Examiner cites paragraph 0050 and alleges that the disclosure "is contradictory to the claimed invention" (Office Action at page 4). This is not correct.

Paragraph 0050 states:

[w]hen the gateways 1500, 1510 establish tunnel 1186, the gateways 1500, 1510 may exchange information including the addresses of the networks (or subnetworks) attached to each gateway. At that time, the first gateway 1500 may detect an address conflict because the addresses associated with the second network 1170 (i.e., the exported addresses) conflict with the addresses associated with the first network 1180 (step 3100 at FIG. 3). As noted above, the second gateway 1510 exports packets from processor 1560 at an address 172.16.1.2, conflicting with the address of the processor 1540.

The gateways 1500, 1510 may exchange information including the *addresses* of the networks. Once the address conflict is detected, paragraph 0050 states: "the second gateway 1510 exports packets from processor 1560." Claim 1 recites "detecting the addressing conflict . . . prior to receiving *packets* from the processor." The exchange of network addresses in paragraph 0050 cited by the Examiner is not equivalent to "receiving packets from the processor," as recited in claim 1. Paragraph 0050 states that an address conflict is detected and then packets are exported.

Applicants submit that the teachings in paragraph 0050 thus do not contradict the claim elements, and respectfully request reconsideration and withdrawal of the rejection of claims 1-43 and 45-56 under 35 U.S.C. § 112, first paragraph.

**III. Regarding the rejection of claims 1-43 and 45-56 under
35 U.S.C. § 102(e) as anticipated by *Tuomenoksa***

Applicants respectfully traverse the rejection of claims 1-43 and 45-56 under 35 U.S.C. § 102(e) as anticipated by *Tuomenoksa*. In order to properly establish that *Tuomenoksa* anticipates Applicants' claimed invention under 35 U.S.C. § 102, each and every element of each of the claims in issue must be found, either expressly described or under principles of inherency, in that single reference. Furthermore, "[t]he identical invention must be shown in as complete detail as is contained in the ... claim." See M.P.E.P. § 2131, quoting *Richardson v. Suzuki Motor Co.*, 868 F.2d 1126, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

Claim 1 recites an method including, for example:

detecting the addressing conflict . . .
associating an identifier with the detected addressing conflict;
...
removing from the one or more packets information about the
tunnel, the removed tunnel information including a virtual address of the
tunnel;
determining that the one or more packets are associated with the
detected addressing conflict by determining that the removed virtual
address corresponds to the identifier associated with the detected
addressing conflict;
...

(emphasis added). *Tuomenoksa* discloses "a network 1800 including one or more client computers 1824, 1823 connected to a hub 1822 that interfaces a first gateway 1821" (col. 47, lines 14-16). "The network may also include one or more client computers 1834, 1833 that are connected to a hub 1832 interfacing a second gateway

1831” (col. 47, lines 19-22). If an address conflict between the first gateway 1821 and the second gateway 1831 exists, “the first gateway 1821 may propose a first intermediate address space” and the “second gateway 1831 may propose a second intermediate address space” (col. 48, lines 54-57).

The Examiner cites col. 48, lines 23-46 as allegedly corresponding to the claimed “associating an identifier with the detected addressing conflict” (Office Action at page 6). This is not correct.

This passage of *Tuomenoksa* discloses address conflicts that may occur because “locally assigned IP addresses associated with the clients 1823, 1824 of the first gateway 1821 may be identical and thus may conflict with the locally assigned IP addresses associated with the clients 1833, 1834 of the second gateway 1831. This address conflict may be possible because the IP addresses of the client computers 1824, 1823 may be private or local addresses that are routable within the local area network served by the first gateway 1821” (col. 48, lines 29-37). This passage provides an overview of a situation when address conflicts may exist (i.e. when assigned IP addresses are identical). However, this passage does not teach or suggest “associating an identifier with the detected addressing conflict.” Therefore, *Tuomenoksa* does not teach or suggest a method for resolving an addressing conflict including “associating an identifier with the detected addressing conflict,” as recited in claim 1.

The Examiner cites col. 47, lines 45-60 as allegedly corresponding to the claimed “removing from the one or more packets information about the tunnel, the removed tunnel information including a virtual address of the tunnel” (Office Action at page 6). This is not correct.

This passage of *Tuomenoksa* discloses the detection of an address change. For example, when a real or public IP address of gateway 1821 changes, “the network operations center 610 may detect the change by determining that the first tunnel between the network operations center and the gateway 1821 is terminated” (col. 47, lines 49-52). Nothing in this passage discloses using an address *change* in a method for resolving an address *conflict*. Moreover, there is no teaching of removing information about the tunnel. The network operations center 610 “may drop the first tunnel in the first gateway 1821 and detect an address change at the first gateway” (col. 47, lines 54-56). Dropping a first tunnel and detecting an address change does not constitute “removing from the one or more packets information about the tunnel, the removed tunnel information including a virtual address of the tunnel,” as recited in claim 1.

The Examiner cites col. 49, lines 20-36 as allegedly corresponding to the claimed “determining that the one or more packets are associated with the detected addressing conflict by determining that the removed virtual address corresponds to the identifier associated with the detected addressing conflict” (Office Action at page 6). This is not correct.

This passage of *Tuomenoksa* discloses the use of a first and second intermediate address space. The first gateway 1821 “may convert addresses, such as the IP addresses of packets destined for the second gateway 1831 into the first intermediate address space” and the second gateway 1831 may convert the IP addresses of packets “destined for the first gateway 1821 into the second intermediate address space” (col. 49, lines 24-29). This passage does not teach or suggest an

identifier. Moreover, there is no teaching in *Tuomenoksa* of “determining that the removed virtual address corresponds to the identifier.” Conversion of IP addresses or packets into a first or second intermediate address space does not constitute “determining that the one or more packets are associated with the detected addressing conflict by determining that the removed virtual address corresponds to the identifier associated with the detected addressing conflict,” as further recited in claim 1.

Tuomenoksa fails to teach the claimed subject matter, including at least these elements. Accordingly, *Tuomenoksa* cannot anticipate claim 1. Thus, claim 1 is allowable for at least these reasons. Claims 2-14, 36-43, and 56 are also allowable at least due to their depending from claim 1.

Independent claims 15, 26, and 31, while of different scope, recite limitations similar to those of claim 1 and are thus allowable over *Tuomenoksa* for at least the same reasons discussed above in regard to claim 1. Claims 16-25 and 45-53 are also allowable at least due to their dependence from claim 15, claims 27-30 are also allowable at least due to their dependence from claim 26, and claims 32-35, 54, and 55 are also allowable at least due to their dependence from claim 31.

IV. Conclusion


In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 7, 2006

By: 
Robert E. Converse, Jr.
Reg. No. 27,432

Attachments:

(1) Replacement Drawing Sheet (1 page)



PATENT
Attorney Docket No. 07937.0003-00
Application No. 10/078,366

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)	
)	
John KEANE et al.)	Group Art Unit: 2144
)	
Application No.: 10/078,366)	Examiner: Joseph R. Maniwang
)	
Filed: February 21, 2002)	
)	
For: METHODS AND SYSTEMS FOR)	Confirmation No.: 4963
RESOLVING ADDRESSING)	
CONFLICTS BASED ON TUNNEL)	
INFORMATION)	

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

SUBMISSION OF REPLACEMENT DRAWINGS


Subject to the approval of the Examiner, please replace the drawing in the above-identified application with the one drawing filed herewith (Figure 1). If the replacement drawing for any reason is not in full compliance with the pertinent statutes and regulations, please so advise the undersigned.

If any fees are necessary for the submission of these formal drawings, please charge our Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: September 7, 2006

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Robert E. Converse, Jr.
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